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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,587	04/14/2004	Maryline Clare	01807.101635.	6240
5514 7590 09/04/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER RICE, ELISA M	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/823,587

Applicant(s)

CLARE ET AL.

Examiner

Elisa M. Rice

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7,8 and 15-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/30/2004
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7, 8, 15-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 7, 8, 15-23 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1, 2, 5, 6, 9, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Deshpande et al. (US 7,206,804 B1).

**Regarding claim 1**, Deshpande discloses a method of displaying a digital image for creating a multimedia content, the image being coded in multiple resolutions, characterized in that the 5 method comprises steps consisting of:

- determining (E120) the number of resolutions present in the coded image ("1. Get the index file", Deshpande, column 5, line 1; "The index file may comprise an image URL and available resolution data such as the example data below", Deshpande, column 5, line 29)
- obtaining (E230) the data of the sub-images associated with each of the previously determined resolutions ("the data is decoded and displayed on the client display 26 using the client image application 12 alone or in conjunction with a typical browser application 26", Deshpande, column 5, line 62; "An index file 10 may contain information about an image, such as a URL or information derived from a main header, a tile header, a packet header or other information.", Deshpande, column 4, line 11) ; and
- displaying (E300) all the sub-images ("When an image file is selected, either manually with an input device or by some other method, a thumbnail version 112 of that image is transmitted to client image application 12 and displayed to a user

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in graphics window 110.”, Deshpande, column 12, line 11; “Consequently, she may access drop-down menu 108 to select the desired resolution from a list of available resolutions. Once a selection is made, the image 114 may be transmitted to the client application 12 and displayed in graphics window 110.”, Deshpande, column 12, line 25).

**Regarding claim 2**, Deshpande discloses a method according to Claim 1, characterized in that the display step (E300) consists of displaying, in addition to the image at each of said resolutions, information on the volume of the data of each of the sub-images. Deshpande discloses information on the volume of the data of each of the sub-images by depicting each of the images at different sizes which gives the viewer a visual sense of the volume of data of each of the sub-images (see Fig. 9, num. 112, num.114 and Fig. 10, num. 112 and 116).

**Regarding claim 5**, Deshpande discloses a method according to Claim 1, 2 or 3, characterized in that the display step (E300) consists of the default display of a sub-image with a predetermined resolution (“Thumbnail image 112 is a low-resolution version of the actual image that has been selected. The thumbnail image 112 may be downloaded much more quickly than the actual image at its highest resolution and allows a user to view the thumbnail to ensure that the image is indeed the desired image and to allow a user to make image customization requests with reference to the thumbnail 112.”, Deshpande, column 12, line 14; “Upon viewing thumbnail 112, a user may conclude that a

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resolution of 640.times.480 is adequate for her present needs.) and viewing windows appear as a watermark corresponding to the other sub-images ("Zoom", Figure 10, numeral 108), selecting one of the watermark windows 25 making it possible to display the corresponding sub-image ("Consequently, she may access drop-down menu 108 to select the desired resolution from a list of available resolutions. Once a selection is made, the image 114 may be transmitted to the client application 12 and displayed in graphics window 110.", Deshpande, column 12, line 25).

**Regarding claim 6**, Deshpande discloses a method according to Claim 1, 2 or 3, characterized in that the display step (E300) consists of the default display of a sub-image with a predetermined resolution ("Thumbnail image 112 is a low-resolution version of the actual image that has been selected. The thumbnail image 112 may be downloaded much more quickly than the actual image at its highest resolution and allows a user to view the thumbnail to ensure that the image is indeed the desired image and to allow a user to make image customization requests with reference to the thumbnail 112.", Deshpande, column 12, line 14; "Upon viewing thumbnail 112, a user may conclude that a resolution of 640.times.480 is adequate for her present needs.", Deshpande, column 12, line 23) and accessing the display of the other sub-images by activating action buttons ("Typical menus, buttons and similar methods may be used to interface with the applications.", Deshpande, column 6, line 2).

**Regarding claim 9**, Deshpande discloses a device for displaying a digital image for creating a multimedia content, the image being coded in multiple resolutions, characterized in that the device comprises:

- means for determining the number of resolutions present in the coded image ("1. Get the index file", Deshpande, column 5, line 1; "The index file may comprise an image URL and available resolution data such as the example data below", Deshpande, column 5, line 29)
- means for obtaining the data of the sub-images associated with each of the previously determined resolutions ("the data is decoded and displayed on the client display 26 using the client image application 12 alone or in conjunction with a typical browser application 26", Deshpande, column 5, line 62; "An index file 10 may contain information about an image, such as a URL or information derived from a main header, a tile header, a packet header or other information.", Deshpande, column 4, line 11) and
- means for displaying all the sub-images ("When an image file is selected, either manually with an input device or by some other method, a thumbnail version 112 of that image is transmitted to client image application 12 and displayed to a user in graphics window 110.", Deshpande, column 12, line 11; "Consequently, she

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may access drop-down menu 108 to select the desired resolution from a list of available resolutions. Once a selection is made, the image 114 may be transmitted to the client application 12 and displayed in graphics window 110.”, Deshpande, column 12, line 25).

**Regarding claim 10**, Deshpande discloses a device according to Claim 9, characterized in that the display means are adapted to display, in addition to the image at each of said resolutions, information on the volume of the data of each of the sub-images. Deshpande discloses information on the volume of the data of each of the sub-images by depicting each of the images at different sizes which gives the viewer a visual sense of the volume of data of each of the sub-images (see Fig. 9, num. 112, num.114 and Fig. 10, num. 112 and 116).

**Regarding claim 13**, Deshpande discloses a device according to Claim 9, 10 or 11, characterized in that the 25 display means are adapted to display, by default, a sub-image with a predetermined resolution (“Thumbnail image 112 is a low-resolution version of the actual image that has been selected. The thumbnail image 112 may be downloaded much more quickly than the actual image at its highest resolution and allows a user to view the thumbnail to ensure that the image is indeed the desired image and to allow a user to make image customization requests with reference to the thumbnail 112.”, Deshpande,

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column 12, line 14; "Upon viewing thumbnail 112, a user may conclude that a resolution of 640.times.480 is adequate for her present needs.) and watermark windows corresponding to the other sub-images ("Zoom", Figure 10, numeral 108), the selection of one of the watermark windows making it possible to display the corresponding sub-image ("Consequently, she may access drop-down menu 108 to select the desired resolution from a list of available resolutions. Once a selection is made, the image 114 may be transmitted to the client application 12 and displayed in graphics window 110.", Deshpande, column 12, line X)

**Regarding claim 14**, Deshpande discloses a device according to Claim 9, 10 or 11, characterized in that the display means are adapted to display by default a sub-image with a predetermined resolution ("Thumbnail image 112 is a low-resolution version of the actual image that has been selected. The thumbnail image 112 may be downloaded much more quickly than the actual image at its highest resolution and allows a user to view the thumbnail to ensure that the image is indeed the desired image and to allow a user to make image customization requests with reference to the thumbnail 112.", Deshpande, column 12, line 14; "Upon viewing thumbnail 112, a user may conclude that a resolution of 640.times.480 is adequate for her present needs.", Deshpande, column 12, line 23) and comprise action buttons whose activation displays the other sub-images ("Typical menus, buttons and similar methods may be used to interface with the applications.", Deshpande, column 6, line 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Deshpande et al. (US 7,206,804 B1) and Munro et al. (US 20020033837 A1).

**Regarding claim 3**, while Deshpande discloses a method according to Claim 2, Deshpande does not disclose a method characterized in that the information on the data volume of each of the sub-images comprises a magnification factor with respect to the data volume associated with the smallest resolution and/or the total volume of the binary data associated with each of said resolutions.

Munro teaches a method characterized in that the information on the data volume of each of the sub-images comprises a magnification factor with respect to the data volume associated with the smallest resolution and/or the total volume of the binary data associated with each of said resolutions("FIG. 8

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illustrates the corresponding size of the data file associated with each level of resolution of a displayed image.”, Munro, paragraph 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deshpande’s method of customization of digital image to include Munro’s feature of associating a total volume of the binary data associated with each of said resolutions in order to make it possible to attribute a quantity or a volume of data for a given resolution.

**Regarding claim 4**, while Deshpande discloses a method according to Claim 1, 2 or 3, Deshpande does not disclose wherein the method is characterized in that the 20 display step (E300) consists of displaying simultaneously all the sub-images.

However, Munro teaches a display step consisting of displaying simultaneously all the sub-images (“The multiple-image viewer also allows arranging multiple images and graphics at different resolution levels, in the same window.”, Munro, paragraph 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deshpande’s method of customization of digital image to include Munro’s feature of displaying simultaneously all the sub-images in order to visually “allow a user to select an optimum resolution” as stated by Deshpande

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at column 12, line 19.

**Regarding claim 11**, while Deshpande discloses a device according to the preceding claim, Deshpande does not disclose wherein the device is characterized in that the information on the volume of the data of each of the sub-images comprise a magnification factor with respect to the data volume associated with the smallest resolution and/or the total volume of the binary data associated with each of the said resolutions.

However, Munro teaches wherein the device is characterized in that the information on the volume of the data of each of the sub-images comprise a magnification factor with respect to the data volume associated with the smallest resolution and/or the total volume of the binary data associated with each of the said resolutions ("FIG. 8 illustrates the corresponding size of the data file associated with each level of resolution of a displayed image.", Munro, paragraph 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deshpande's method of customization of digital image to include Munro's feature of associating a total volume of the binary data associated with each of said resolutions in order to make it possible to attribute a quantity or a volume of data for a given resolution.

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**Regarding claim 12**, while Deshpande discloses a device according to Claim 9, 10 or 11, Deshpande does not disclose wherein the device is characterized in that the display means are adapted to display simultaneously all the sub-images.

However, Munro teaches wherein the display means are adapted to display simultaneously all the sub-images ("The multiple-image viewer also allows darranging multiple images and graphics at different resolution levels, in the same window.", Munro, paragraph 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deshpande's method of customization of digital image to include Munro's feature of displaying simultaneously all the sub-images in order to visually "allow a user to select an optimum resolution" as discussed in the Deshpandes reference at column 12, line 19.

### ***Conclusion***

6. inquiry concerning this communication or earlier communications from the examiner should be directed to Elisa M. Rice whose telephone number is (571)270-1580. The examiner can normally be reached on 8:00a.m.-5:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on (571)272-7401. The

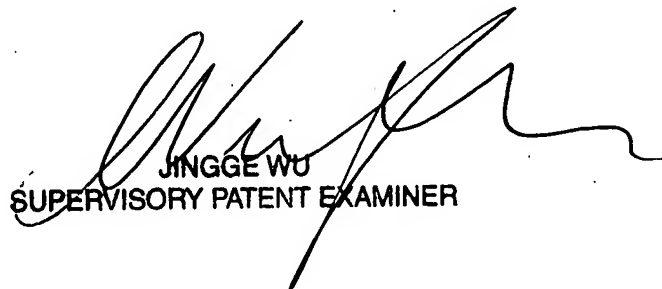
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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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